

## Herd, Brady

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**From:** Herd, Brady  
**Sent:** Thursday, February 13, 2025 1:44 PM  
**To:** Ewert, Charles  
**Cc:** Grover, Rick; Wilkinson, Sean; Anderson, Justin; Monson, Ruston  
**Subject:** RE: [EXTERNAL] Ogden City Transferable Development Rights in Ogden Valley  
**Attachments:** Parcel\_200080006\_Narrative.pdf; Survey of Record5143.pdf; Ogden Valley Zoning Development Agreement v2021 (00098209xA467D).pdf

Good Afternoon Charles,

Per our phone conversation yesterday I have submitted an application to review the Ogden City Well Site 600 N 5900 E Eden (Parcel 200080006) property and establish the Transferable Development Rights (TDRs) through the vesting process. Attached are the documents that I submitted as part of the application.

Thanks,

### Brady Herd

**Ogden City Public Services** | Water Utility Director

133 West 29<sup>th</sup> Street, Ogden, Utah 84401

Office: (801) 629-8097



**From:** Ewert, Charles [cewert@webercountyutah.gov](mailto:cewert@webercountyutah.gov)  
**Sent:** Tuesday, February 11, 2025 3:18 PM  
**To:** Herd, Brady [BradyHerd@ogdencity.gov](mailto:BradyHerd@ogdencity.gov)  
**Cc:** Grover, Rick [rgrover@webercountyutah.gov](mailto:rgrover@webercountyutah.gov); Wilkinson, Sean [swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov); Anderson, Justin [JustinAnderson@ogdencity.gov](mailto:JustinAnderson@ogdencity.gov); Monson, Ruston [RustonMonson@ogdencity.gov](mailto:RustonMonson@ogdencity.gov)  
**Subject:** Re: [EXTERNAL] Ogden City Transferable Development Rights in Ogden Valley

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Brady, I understand the city is interested in moving this forward. Do you want to go the TDR route or the DA route I explain in my email below (several emails down)?

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**From:** Herd, Brady  
**Sent:** Tuesday, February 11, 2025 1:33 PM  
**To:** Ewert, Charles <[cewert@webercountyutah.gov](mailto:cewert@webercountyutah.gov)>  
**Cc:** Grover, Rick <[rgrover@webercountyutah.gov](mailto:rgrover@webercountyutah.gov)>; Wilkinson, Sean <[swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov)>; Anderson, Justin <[JustinAnderson@ogdencity.gov](mailto:JustinAnderson@ogdencity.gov)>; Monson, Ruston <[RustonMonson@ogdencity.gov](mailto:RustonMonson@ogdencity.gov)>  
**Subject:** RE: [EXTERNAL] Ogden City Transferable Development Rights in Ogden Valley

Good Afternoon Charles,

Ogden City's primary responsibility is to its residents who own the water and expect the water to be delivered to them. On that same note Ogden City already provides culinary water to parts of Ogden Valley and all of Ogden Canyon. The City would like to preserve its water rights for the beneficial use of its citizens. It is fair to say that Ogden City is doing more than enough in providing water to surrounding communities.

Knowing that Ogden Valley is being incorporated it is inevitable that water development will happen as part of that process. I am sure there will be existing water systems and infrastructure that will need to be upsized and improved as things progress. Ogden City has and will continue to be involved in the conversations of water development in Ogden Valley to ensure that Ogden City rights are not impaired. Over the years there have been several different studies and research gathered on Ogden Valley water conditions. Knowing these studies exist along with the fact that Weber Basin Water Conservancy District (WBWCD) exists to administer and manage water related items like this, it makes complete sense that WBWCD would oversee these type of water related topics and discussions.

When Ogden City bought the Eden Well property it came with development rights. Ogden City would simply like to preserve those development rights through the vesting/ development agreement process. I know you mentioned getting this agreement in front of the commissioners. In talking to Justin Anderson, it sounds like he has already started some of this process by talking to Sean Wilkinson.

Can you confirm whether we would use this existing agreement as is, or does the county need it in another format? Do we work with you to get it on a PC agenda or what are the next steps in the process?

Thanks,

**Brady Herd**

**Ogden City Public Services** | Water Utility Director

133 West 29<sup>th</sup> Street, Ogden, Utah 84401

Office: (801) 629-8097



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**From:** Ewert, Charles <[cewert@webercountyutah.gov](mailto:cewert@webercountyutah.gov)>

**Sent:** Friday, October 18, 2024 12:13 PM

**To:** Herd, Brady <[BradyHerd@ogdencity.com](mailto:BradyHerd@ogdencity.com)>

**Cc:** Grover, Rick <[rgrover@webercountyutah.gov](mailto:rgrover@webercountyutah.gov)>; Wilkinson, Sean <[swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov)>; Anderson, Justin <[JustinAnderson@ogdencity.com](mailto:JustinAnderson@ogdencity.com)>; Monson, Ruston <[RustonMonson@ogdencity.com](mailto:RustonMonson@ogdencity.com)>

**Subject:** Re: [EXTERNAL] Ogden City Transferable Development Rights in Ogden Valley

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It might be beneficial to come to the commissioners with something of public value to exchange for this development agreement.

Something I think could help move the needle is the possibility of providing the valley with water. Frankly, I would guess that it would be in the City's best interest to protect access to the aquifer up there. Lack of collaboration amongst the water providers and developers in the area has and will only continue to create demand for new community wells - wells that may end up competing against the city's wells. If the city provides water to the area this will eliminate the potential conflict and put more control over the aquifer in the city's hands. Maybe it's an extraterritorial system, or maybe the city just wholesales to a water district (or maybe to the future city if it gets voted in)? Lots of different possibilities and opportunities here.

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**From:** Ewert, Charles <[cewert@webercountyutah.gov](mailto:cewert@webercountyutah.gov)>

**Sent:** Friday, October 18, 2024 11:56 AM

**To:** Herd, Brady <[BradyHerd@ogdencity.com](mailto:BradyHerd@ogdencity.com)>

**Cc:** Grover, Rick <[rgrover@webercountyutah.gov](mailto:rgrover@webercountyutah.gov)>; Wilkinson, Sean <[swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov)>; Anderson, Justin <[JustinAnderson@ogdencity.com](mailto:JustinAnderson@ogdencity.com)>; Monson, Ruston <[RustonMonson@ogdencity.com](mailto:RustonMonson@ogdencity.com)>

**Subject:** Re: [EXTERNAL] Ogden City Transferable Development Rights in Ogden Valley

That document looks familiar. It was created before we adopted a form-based transferable development right program. Using this type of document will fall under the "or" in my email below. To have any degree of success I recommend dialoguing with the county commissioners to get their sense first. My guess at this point in time is if this hit a PC meeting cold it would create a pretty big fuss. You'll want to know you've got commissioner's support before creating that fuss.

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**From:** Herd, Brady <[BradyHerd@ogdencity.com](mailto:BradyHerd@ogdencity.com)>

**Sent:** Friday, October 18, 2024 10:37 AM

**To:** Ewert, Charles <[cewert@webercountyutah.gov](mailto:cewert@webercountyutah.gov)>

**Cc:** Grover, Rick <[rgrover@webercountyutah.gov](mailto:rgrover@webercountyutah.gov)>; Wilkinson, Sean <[swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov)>; Anderson, Justin <[JustinAnderson@ogdencity.com](mailto:JustinAnderson@ogdencity.com)>; Monson, Ruston <[RustonMonson@ogdencity.com](mailto:RustonMonson@ogdencity.com)>

**Subject:** RE: [EXTERNAL] Ogden City Transferable Development Rights in Ogden Valley

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Good Morning Charles,

In discussions with Mark Stratford he sent us over a drafted development agreement that he had discussions with the County. Does the attached drafted development agreement look familiar? Also, is it in the proper format/layout?

Thanks,

**Brady Herd**

**Ogden City Public Services** | Water Utility Director

133 West 29<sup>th</sup> Street, Ogden, Utah 84401

Office: (801) 629-8097



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**From:** Ewert, Charles <[cewert@webercountyutah.gov](mailto:cewert@webercountyutah.gov)>

**Sent:** Friday, September 27, 2024 10:41 AM

**To:** Herd, Brady <[BradyHerd@ogdencity.com](mailto:BradyHerd@ogdencity.com)>; Grover, Rick <[rgrover@webercountyutah.gov](mailto:rgrover@webercountyutah.gov)>; Wilkinson, Sean <[swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov)>

**Cc:** Anderson, Justin <[JustinAnderson@ogdencity.com](mailto:JustinAnderson@ogdencity.com)>; Monson, Ruston <[RustonMonson@ogdencity.com](mailto:RustonMonson@ogdencity.com)>

**Subject:** Re: [EXTERNAL] Ogden City Transferable Development Rights in Ogden Valley

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Hey there Brady -

This request went inactive around the time Mark left the city. Greg Montgomery sat down with me once a couple years later to get up to speed, but also stopped actively pursuing it.

As of today, there are no TDRs recorded to/for the property. If you would like to pursue trying to get them established again please feel free to apply on our application website: <https://frontier.co.weber.ut.us/>

The application you will want to submit depends on your intent. If you just want us to validate the number of TDRs available on the site pursuant to existing zoning, you will want to submit a "Transferable Development Right Review" application. With this request we will validate the TDRs assigned to the property and create a notice to record to it. It will not, however, vest the city in those TDRs. If the zone or codes change to reduce or increase development rights then this recorded document will no longer be useful unless recalculated. Also, if/when traded, these TDRs can only be sent to property in the FB (form based) zone, DRR-1 (destination recreation resort) zone, or to other properties for detached ADUs (uncommon). We never got around to adopting a TDR ordinance that created other receiving areas.

Or

If you want to try to get the TDRs vested you will want to instead apply for a "development agreement." Frankly, unless you already know you have county commission support for one I would not bother trying. It will have to go through the legislative process with hearings and all, and I can almost guarantee the planning commission will not support it and the general public will likely show up to the hearings in droves to protest.

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**From:** Herd, Brady <[BradyHerd@ogdencity.com](mailto:BradyHerd@ogdencity.com)>

**Sent:** Friday, September 27, 2024 9:47 AM

**To:** Grover, Rick <[rgrover@webercountyutah.gov](mailto:rgrover@webercountyutah.gov)>; Wilkinson, Sean <[swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov)>

**Cc:** Anderson, Justin <[JustinAnderson@ogdencity.com](mailto:JustinAnderson@ogdencity.com)>; Monson, Ruston <[RustonMonson@ogdencity.com](mailto:RustonMonson@ogdencity.com)>;

Ewert, Charles <[cewert@webercountyutah.gov](mailto:cewert@webercountyutah.gov)>

**Subject:** RE: [EXTERNAL] Ogden City Transferable Development Rights in Ogden Valley

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Good Morning Rick,

Thanks for the update, we will wait and see what Charles has to say on the subject.

Sincerely,

**Brady Herd**

**Ogden City Public Services** | Water Utility Director

133 West 29<sup>th</sup> Street, Ogden, Utah 84401

Office: (801) 629-8097



---

**From:** Grover, Rick <[rgrover@webercountyutah.gov](mailto:rgrover@webercountyutah.gov)>

**Sent:** Friday, September 27, 2024 9:25 AM

**To:** Herd, Brady <[BradyHerd@ogdencity.com](mailto:BradyHerd@ogdencity.com)>; Wilkinson, Sean <[swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov)>

**Cc:** Anderson, Justin <[JustinAnderson@ogdencity.com](mailto:JustinAnderson@ogdencity.com)>; Monson, Ruston <[RustonMonson@ogdencity.com](mailto:RustonMonson@ogdencity.com)>;

Ewert, Charles <[cewert@webercountyutah.gov](mailto:cewert@webercountyutah.gov)>

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Brady,

I would like you to work directly with the project coordinator(Charlie Ewert). He was working with Mark Stratford, awaiting information from Ogden City. Charlie will let you know what that information was and the next steps.

Thank you,

Rick

**Rick V. Grover**

Planning Director

Weber County Planning Division

2380 Washington Blvd., Suite 240

Ogden, Utah, 84401

P: 801-399-8759

Email: [rgrover@co.weber.ut.us](mailto:rgrover@co.weber.ut.us)



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**From:** Herd, Brady <[BradyHerd@ogdencity.com](mailto:BradyHerd@ogdencity.com)>

**Sent:** Thursday, September 26, 2024 3:48 PM

**To:** Wilkinson, Sean <[swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov)>

**Cc:** Anderson, Justin <[JustinAnderson@ogdencity.com](mailto:JustinAnderson@ogdencity.com)>; Monson, Ruston <[RustonMonson@ogdencity.com](mailto:RustonMonson@ogdencity.com)>; Grover, Rick <[rgrover@webercountyutah.gov](mailto:rgrover@webercountyutah.gov)>; Ewert, Charles <[cewert@webercountyutah.gov](mailto:cewert@webercountyutah.gov)>

**Subject:** RE: [EXTERNAL] Ogden City Transferable Development Rights in Ogden Valley

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Sean,

Thanks for the update, we will wait and see what Rick has to say on the subject.

Sincerely,

**Brady Herd**

**Ogden City Public Services** | Water Utility Director

133 West 29<sup>th</sup> Street, Ogden, Utah 84401

Office: (801) 629-8097



---

**From:** Wilkinson, Sean <[swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov)>

**Sent:** Thursday, September 26, 2024 3:32 PM

**To:** Herd, Brady <[BradyHerd@ogdencity.com](mailto:BradyHerd@ogdencity.com)>

**Cc:** Anderson, Justin <[JustinAnderson@ogdencity.com](mailto:JustinAnderson@ogdencity.com)>; Monson, Ruston <[RustonMonson@ogdencity.com](mailto:RustonMonson@ogdencity.com)>; Grover, Rick <[rgrover@webercountyutah.gov](mailto:rgrover@webercountyutah.gov)>; Ewert, Charles <[cewert@webercountyutah.gov](mailto:cewert@webercountyutah.gov)>

**Subject:** RE: [EXTERNAL] Ogden City Transferable Development Rights in Ogden Valley

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Hi Brady,

The County was previously working with Mark Stratford on the topic of Ogden City's TDR's. I have asked Rick Grover with the County's Planning Division to respond to your question and provide you with an update from the County's perspective.

Sincerely,

Sean Wilkinson

Director, Community Development Department

Weber County

2380 Washington Blvd. Suite 250 | Ogden UT | 84401

E: [swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov) | P: 801.399-8765

#WinninginWeber

---

**From:** Herd, Brady <[BradyHerd@ogdencity.com](mailto:BradyHerd@ogdencity.com)>

**Sent:** Thursday, September 26, 2024 8:45 AM

**To:** Wilkinson, Sean <[swilkinson@webercountyutah.gov](mailto:swilkinson@webercountyutah.gov)>

**Cc:** Anderson, Justin <[JustinAnderson@ogdencity.com](mailto:JustinAnderson@ogdencity.com)>; Monson, Ruston <[RustonMonson@ogdencity.com](mailto:RustonMonson@ogdencity.com)>

**Subject:** [EXTERNAL] Ogden City Transferable Development Rights in Ogden Valley

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Good Morning Sean,

My name is Brady Herd and I work for Ogden City. I believe we met in Ogden's CAO office several years back when there was a discussion on transferable development rights in Ogden Valley. I wanted to reach back out and see if you could confirm or acknowledge the number of transferable development rights (TDR's) that Ogden City owns in



Ogden Valley. From what we recall from our meeting, 540 rights seems to be number that comes to mind, but we wanted to double check with you and see. If you could please confirm the number of TDR's that Weber County has recorded for Ogden City in Ogden Valley it would be greatly appreciated.

Thanks,

**Brady Herd**

**Ogden City Public Services** | Water Utility Director

133 West 29<sup>th</sup> Street, Ogden, Utah 84401

Office: (801) 629-8097



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